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Date // KS////
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IN RE: PETITION FOR VARIANCE

W/S Hillendale Road, 210' N of

the c/l of Taylor Avenue (7908 Hillendale Road) 9th Election District 4th Councilmanic District

Dellroy Harrison, et ux

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 97-178-A

*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 7908 Hillendale Road, located in the vicinity of Taylor Avenue in Parkville. The Petition was filed by the owners of the property, Dellroy and H. Merrill Harrison. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of .5 feet in lieu of the minimum required 2.5 feet for a detached accessory structure (open carport) in the rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Dellroy and Merrill Harrison, property owners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.146 acres, more or less, zoned D.R. 5.5 and is improved with a single family duplex dwelling and carport which is the subject of this request. In June 1996, the Petitioners erected a carport over an existing concrete parking pad which existed on the property at the time of their purchase of same in 1988. Testimony and evidence showed that the carport is attached to the northwest corner of the rear of the existing dwelling and runs along the north side property line. The Petitioner testified

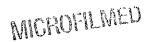
that he was issued a building permit for the construction of this carport, however, as a result of a complaint lodged by the adjoining property owner as to the location of this carport, it was determined that the carport was located too close to the north side property line. Thus, the Petitioners filed the instant Petition to legitimize the location of this carport.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the pub-



lic health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of November, 1996, that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of .5 feet in lieu of the minimum required 2.5 feet for a detached accessory structure (open carport) in the rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The subject carport shall remain open on all sides and shall not be enclosed in any manner.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Str



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

November 25, 1996

Mr. & Mrs. Dellroy Harrison 7908 Hillendale Road Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE

W/S Hillendale Road, 210' N of the c/l of Taylor Avenue

(7908 Hillendale Road)

9th Election District - 4th Councilmanic District

Dellroy Harrison, et ux - Petitioners

Case No. 97-178-A

Dear Mr. & Mrs. Harrison:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: People's Counsel

File

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tition for Varia

to the Zoning Commissioner of Baltimore County

for the property located at 7000which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

Hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.2 To Allero A.5 F7, Side YAND SE-LIBER IN LIEU OF THE REQUIRED 2.5 F7. FOR A DE-LACHED PROSSERY S-GRUCTURE IN THE REPORT YARD.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or protect car from the elements. Carport built on pre-existing patio, beside pre-existing fence. To more carport with in compliance would not be feasible because of the width of a normal size car and the distance between the house and fence. Carport is approx. 45-50 feet from neighbor's house.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and affirm, under the penalties of legal owner(s) of the property which is the subject of this Petit	perjury, that I/we are the don.
	Contract Purchaser/Lessee:		Legal Owner(s):	
	(Type or Print Name)		DELLROY HARRISON	<u>. </u>
	Signature		Signature Harrison	
	Address	· ········	H MERRILL HARRISON	7)
	City State	Zipcode	H Merrill Harri	Man.
	Attorney for Petitioner. (Type or Print Name)		7408 HILLENIDALE KD 6	45-6534 w 68-3187 h
:n 1 1 20:	Signature		BALTIMORE MD City State	Phone No 21234 Zipcode
FILING	•		Name, Address and phone number of representative to be co	
C. D.	Address Pho	ne Na.	NAME AS ABOVE	[-
0 X 0	City State	Zipcode	Address F	Phone No.
ORDER RECEIVED Date By		April Administra	ESTIMATED LENGTH OF HEARING unavailable for Hearing	
A A	Printed with Soybean Ink on Recycled Paper		the following datesOTHER	_ Next Two Months
H		No. of the last of	REVIEWED BY: ST. DATE (5-17-96
OHO Date U	MICROFILMED)	1	75

115

97-178-A
-1 (-(10-PC
ZONING DESCRIPTION FOR 7908 HOUGHDAGE ANG (address)
Beginning at a point on theside ofside of
name of street on which property for the which is
wide at the distance of (number of feet) (north, south, east or west) (number of feet) (north, south, east or west)
(number of feet) (north, south, east or west)
centenine of the hearest improved intersecting street A Y LON AUC
which is (name of street)
which is (name of street) (number of feet of right-of-way width) (name of street) Wide. *Being Lot # (L) (L) (L)
in the subdivision of HUCGNDALE PATCK
98 (BCC)/OPA IN HOltimore A
(square feet or acros). Also known as 7905
and located in the Election District, Councilmanic District.

Dellroy Harrison

H. Merrill Harrison

7908 Hillendale Road
Baltimore, Maryland 21234
October 2, 1996

Home (410) 668 - 3187
Work (410) 345 - 6534

Re: Petition for Variance for a carport located on our property located at the above address which is in Baltimore County in the State of Maryland. The said property is located:

Beginning on the southwest side of Hillendale Road at the distance of 210.05 feet from the intersection of the southwest side of Hillendale Road, with the northwest side of Taylor Avenue and running thence binding on the southwest side of Hillendale Road, 40 feet wide, North 14 degrees 42 minutes, east 50 feet to the division line between lots numbered 642 and 643 on plat hereinafter referred to thence leaving Hillendale Road and binding on said division line north 75 degrees 18 minutes west 134.42 feet to the south west outline of the whole tract of land of which the land now being described is a part thence running and binding on part of said outline south 1 degree 44 minutes east 52.12 feet and thence running parallel to the second line in this description south 75 degrees 18 minutes east 119.68 feet to the place of beginning. The improvements thereon being known as 7908 Hillendale Road.

Carport is located approximately 50 feet from street and 45 to 50 feet from nearest neighbor's house.

Lots 641 and 642 on the plat of Hillendale Park.
Plat recorded among the Land Records of Baltimore County in Plat Book L.McLM number 9 Folio 10.

Deed Reference: Liber 7833 Folio 583

Same lot of ground which by Deed of Assignment dated December 27, 1973 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. number 5418 folio 510 was granted and assigned by Kathry M. Swabline unto Robert L. Guthridge and Kathryn V. Guthridge, his wife.

9th Election District

3rd Councilmanic District

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Dellroy Harrison

H. Merrill Harrison

DISTRIBUTION WHATE DISTREM PINK - AGENCY YELLOW - CUSTOMER WHATE DISTREM PINK - AGENCY YELLOW - CUSTOMER	NICHOFILMED 03491#031911CHRC	FOR OLO RES. UND SO	PROM: 7908 HILLENDALE TOP.	AMOUNT \$	DATE 10-16-96 ACCOUNT R-CC - 6156	BALTIMORE COUNTY, MARYLAND OF FINANCE - REVENUE DIVISION MELLANEOUS CASH RECEIPT
	150.10		CSCA		6130	02790

CERTIFICATE COPOSTING

	RE: Case No.: 97-178-A
	Petitioner/Developer: Harrison
	Date of Hearing/Closing: Nov 15th
Baltimore County Department of Permits and Development Manager County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	ment
Attention: Ms. Gwendolyn Stepher	ıs
Ladies and Gentlemen:	
This letter is to certify under the pe	enalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the p	property located at 7908 Hillendale
The sign (s) was a parted on	Oct. 30, 1996
The sign(s) were posted on	(Month, Day, Year)
· · · · · · · · · · · · · · · · · · ·	Sincerely,
manufacture and manufacture an	(Signature of Sign Poster and Date)
ZONING NOTICE :-	Sue W. McKenzie. (Printed Name) 6 Top wood Ct
Parties (America Comprehensis) Brighten - 1988 (S. 1987) (America Comprehensis) (America Co	(Address) 13A / MORE, MIS (City, State, Zip Code) 2123
	(410) 668 - 3576 (Telephone Number)
CASE No. 97-178	3-A MICROFILMED D
	PDM



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 178
Petitioner: DELLROY 4 H. MERRILL HARRISON
Location: 7908 HILLENDALE RD BALTIMORE MD 21231
PLEASE FORWARD ADVERTISING BILL TO:
NAME: DELLROY HARRISON
ADDRESS: 7908 HILLENDALE RD
BALTIMORE, MD 21234
PHONE NUMBER: 668-3187
AJ:ggs (Revised 09/24/96)

MICROFILMED

178

Exhibit B

By of for Girle Repueble

Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.:____

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:
DATE AND TIME:
REQUEST: TO ALLOW D.S FT. SIDE YARD SETBACKIN
LIEW OF THE ROQUINOD 2.5FT. FOR A DE-LACHED
ACCESSORY S-inucune WITHE PEAR YARD
OF A DR. S.S. ZOWE

TO CONFIRM HEARING CALL 887-3391.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

178

TO: PUTUXENT PUBLISHING COMPANY
October 31, 1996 Issue - Jeffersonian

Please foward billing to:

Dellroy Harrison 7908 Hillendale Road Baltimore, MD 21234 668-3187

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-178-A (Item 178)

7908 Hillendale Road

W/S Hillendale Road, 210' N of Taylor Avenue 9th Election District - 4th Councilmanic

Legal Owner(s): Dellroy Harrison and H. Merrill Harrison

Variance to allow a .5 foot side yard setback in lieuj of the required 2.5 feet for a dettached accessory structure in the rear yard.

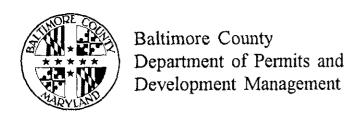
HEARING: FRIDAY, NOVEMBER 15, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

OCTOBER 25, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-178-A (Item 178)

7908 Hillendale Road

W/S Hillendale Road, 210 N of Taylor Avenue
9th Election District - 4th Councilmanic

Legal Owner(s): Dellroy Harrison and H. Merrill Harrison

Variance to allow a .5 foot side yard setback in lieuj of the required 2.5 feet for a dettached accessory structure in the rear yard.

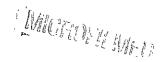
HEARING: FRIDAY, NOVEMBER 15, 1996 at 9:00 a.m. in Room 106, County Office Building.

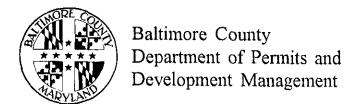
Arnold Jablon Director

cc: Dellroy and H. Merrill Harrison

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER >31, 1996.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

November 15, 1996

Mr. and Mrs. Dellroy Harrison 7908 Hillendale Road Baltimore, MD 21234

RE: Item No.: 178

Case No.: 97-178-A

Petitioner: Dellroy Harrison, et ux

Dear Mr. and Mrs. Harrison:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 17, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

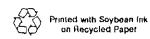
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Cont Richardy y

Zoning Supervisor

WCR/re Attachment(s)





Maryland Department of Transportation State Highway Administration

David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

10-03-96

Baltimore County (TRA)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief Engineering Access Permits

Division

BS/es

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My telephone number is _____

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 23, 1996

TO:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 176, (178,) 180, and 181

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Division Chief:

PK/JL

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 10/24/96

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 28, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

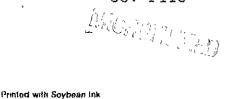
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 176, 177 (178, 180 AND 181.

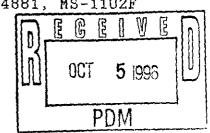
REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



on Recycled Paper



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee Meeting Date: 04.28

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP

John Arthander

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 6, 1996

Department of Permits & Development

Management

FROM:

Mobert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for November 4, 1996

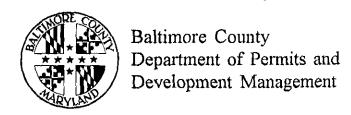
178, 180, Item Nos. 175, 176, 177

181, and 182

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



Code Inspections and Enforcement County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 26, 1996

Dellroy Harrison 7908 Hillendale Rd. Baltimore, MD 21234

Re: B-96-255-09

7908 Hillendale Rd.

Compliance with permit B276674.

Dear Mr. Harrison:

Our records indicate that you were informed of a building code violation at the referenced location. The building inspector assigned to your area has reported that the condition has not been corrected and that the violation is continuing.

A hearing has been scheduled on Tues., Nov. 19, 1996 at 9:00 a.m. in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland to discuss this matter.

The purpose of this hearing is a final attempt to resolve this problem and avoid the necessity of filing criminal charges against you in the District Court of Maryland for the violation of the Baltimore County Building Code.

Your presence at the hearing is required. You may be represented by attorney if you wish, and present any information you feel is pertinent.

If the matter referred to above has been corrected, or there is any other reason you feel the hearing should not be held, please call the inspector at 887-3953 between 8:00 and 8:30 a.m. or you may contact him in writing at the above address.

Very truly yours,

James Kemp

Code Inspection and

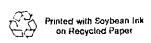
and Kings

Enforcement Officer

cc: date file b file

Inspector - Kemp





RE: PETITION FOR VARIANCE * BEFORE THE

7908 Hillendale Road, W/S Hillendale Rd,
210' N of Taylor Avenue * ZONING COMMISSIONER

9th Election District, 4th Councilmanic * OF BALTIMORE COUNTY

Dellroy and Merrill Harrison
Petitioners * CASE NO. 97-178-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

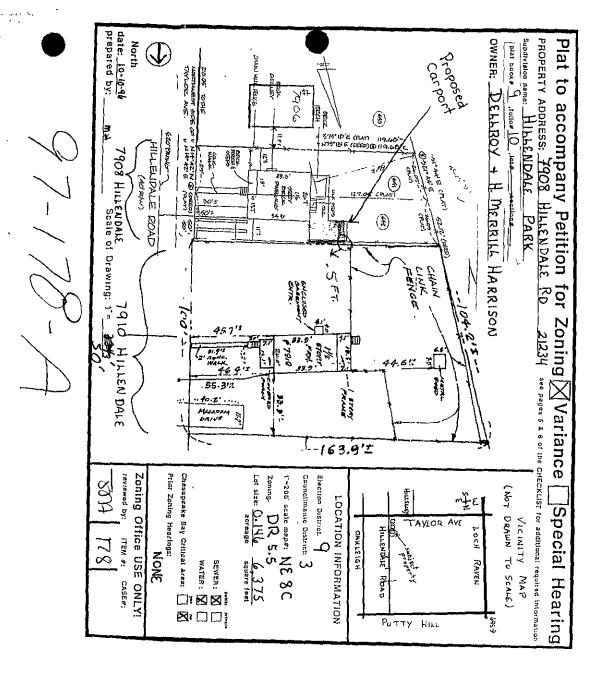
CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of November, 1996, a copy of the foregoing Entry of Appearance was mailed to Dellroy and Merrill Harrison, 7908 Hillendale Road, Baltimore, MD 21234, Petitioners.

Peter May Cimmeina
PETER MAX ZIMMERMAN





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VIEW OF CAR PONE Those
FROWT OF DOWNEWAN 178

91-118-1

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